

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**U.S. COMMODITY FUTURES  
TRADING COMMISSION,**

**Plaintiff,**

**VS.**

**HIGHLAND STONE CAPITAL  
MANAGEMENT, L.L.C., FOREX  
CAPITAL TRADING GROUP, INC.,  
FOREX CAPITAL TRADING  
PARTNERS, INC., JOSEPH BURGOS,  
SUSAN G. DAVIS and DAVID E.  
HOWARD II**

### Defendants.

Civil Action No.: 11 CIV 05209 KBF

Judge Katherine B. Forrest

**PLAINTIFF CFTC'S MOTION FOR SUMMARY JUDGMENT  
AGAINST DEFENDANTS SUSAN G. DAVIS AND DAVID E. HOWARD II**

Pursuant to Federal Rule of Civil Procedure 56, the Plaintiff, Commodity Futures Trading Commission (“Commission”), respectfully moves this Court to enter a summary judgment of permanent injunction and other ancillary relief in favor of the Commission and against Defendants Susan G. Davis (“Davis”) and David E. Howard II (“Howard”) (“Summary Judgment Motion”).

The Commission is simultaneously filing its Memorandum in Support of Plaintiff’s Motion for Summary Judgment (“Summary Judgment Memorandum”), its Rule 56.1 Statement of Material Facts, and an Appendix of Exhibits (“Appendix”) consisting of transcripts of testimony, documentary evidence (most of which were previously introduced as exhibits at the Preliminary Injunction Hearing in this case or during depositions) and a Supplemental

Declaration from the Plaintiff's Investigator, Joy McCormack. The grounds for this motion are set forth in the Summary Judgment Memorandum, the Rule 56.1 Statement and the Appendix.

Proposed language for the injunctive and monetary damage provisions of the Order of Permanent Injunction are also filed herewith as Exhibit 68 to the Appendix.

Date: September 17, 2012

Respectfully submitted,

ATTORNEYS FOR PLAINTIFF  
U.S. COMMODITY FUTURES TRADING  
COMMISSION

/s/ Susan B. Padove  
Lead Attorney, *pro hac vice*  
Susan B. Padove  
Senior Trial Attorney  
(312) 596-0544  
[spadove@cftc.gov](mailto:spadove@cftc.gov)

Elizabeth M. Streit, *pro hac vice*  
Chief Trial Attorney  
(312) 596-0537  
[estreit@cftc.gov](mailto:estreit@cftc.gov)  
Commodity Futures Trading Commission  
Division of Enforcement  
525 W. Monroe Street, Suite 1100  
Chicago, Illinois 60661  
(312) 596-0700 (Office Number)  
(312) 596-0714 (facsimile)